IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS

INNER-TITE CORP.	§	
	§	
Plaintiff	§	
	§	
v.	§	CIVIL ACTION NO. 04-40219
	§	
DEWALCH TECHNOLOGIES, INC.	§	
	§	
Defendant	§	

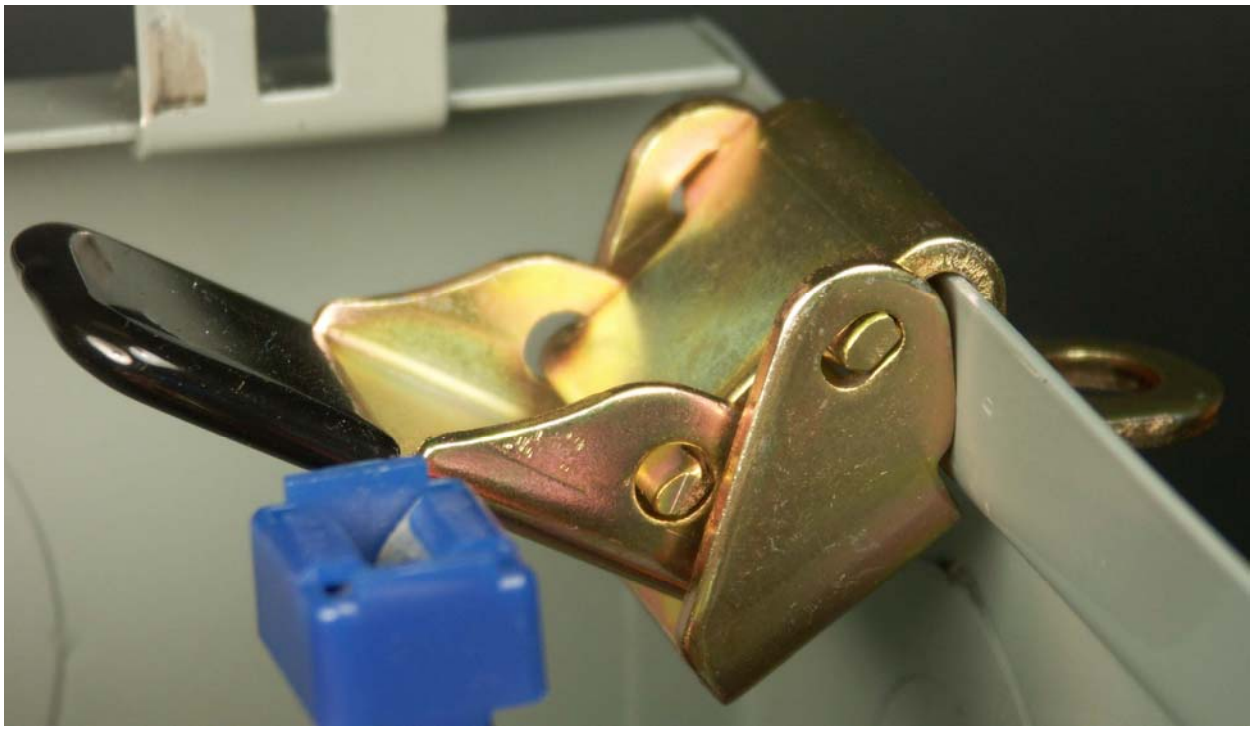
THIRD DECLARATION OF BINZ DEWALCH

Binz DeWalch, being duly sworn, deposes and says that:

1. My name is Binz DeWalch. I am over eighteen (18) years of age and fully competent in all respects to give this Declaration. All statements of fact in this Declaration are of my own personal knowledge and are true and correct. All statements made on information and belief in this Declaration, which are noted herein when made, are believed to be true.

2. The following is a true and accurate copy of a photograph of six different models of utility boxes. From left to right, the utility boxes are Square D Model MS1005J (a Mexican market utility box), Landis & Gyr (Cat. No. UAT111-PH), Cutler-Hammer (Cat. No. UHT-RS101B-CH), Durham Co. (Cat. No. UT-RS101B-SQD), Durham Co. (Cat. No. T-RS502M), and Durham Co. (Cat. No. T RS101L):

3. The following is a true and accurate copy of a photograph of the ProLock Product 1 installed on the box manufactured by Square D Model MS1005J (a Mexican market utility box) :

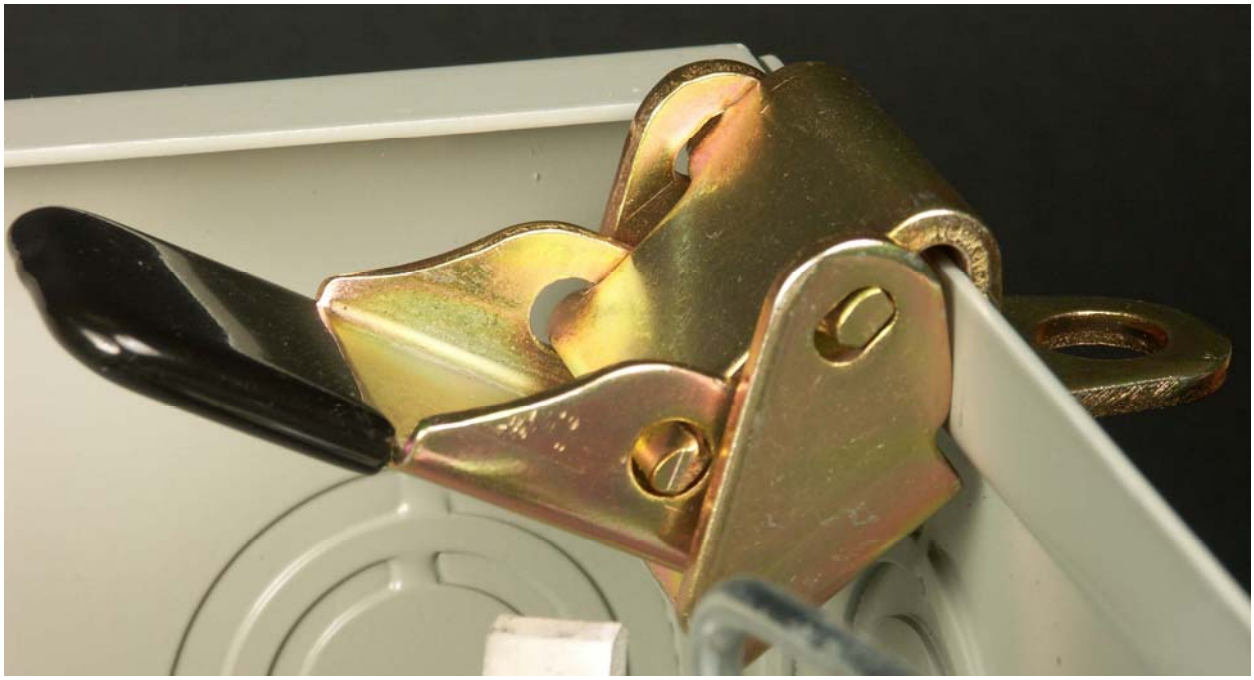


As is evident in the photograph, the front edges of the side panels of the clamping member clamp the bracket in place upon the side wall of the utility box. The front edge of the lower panel of the clamping member does not contact the utility box; rather it would be urged into abutment with the side wall of the utility box in the event that an effort were made to pry open the utility box. Because the clamping member moves outside the first and second flanges, it contacts the side wall outside the width of the first flange, thereby acting in concert with the first flange to place the side wall in sheer and bending, rather than compression.

4. The following is a true and accurate copy of a photograph of the ProLock Product 1 installed on the box manufactured by Landis & Gyr (Cat. No. UAT111-PH):

As is evident in the photograph, the front edges of the side panels of the clamping member clamp the bracket in place upon the side wall of the utility box. The front edge of the lower panel of the clamping member does not contact the utility box; rather it would be urged into abutment with the side wall of the utility box in the event that an effort were made to pry open the utility box. Because the clamping member moves outside the first and second flanges, it contacts the side wall outside the width of the first flange, thereby acting in concert with the first flange to place the side wall in sheer and bending, rather than compression.

5. The following is a true and accurate copy of a photograph of the ProLock Product 1 installed on the box manufactured by Cutler-Hammer (Cat. No. UHT-RS101B-CH):

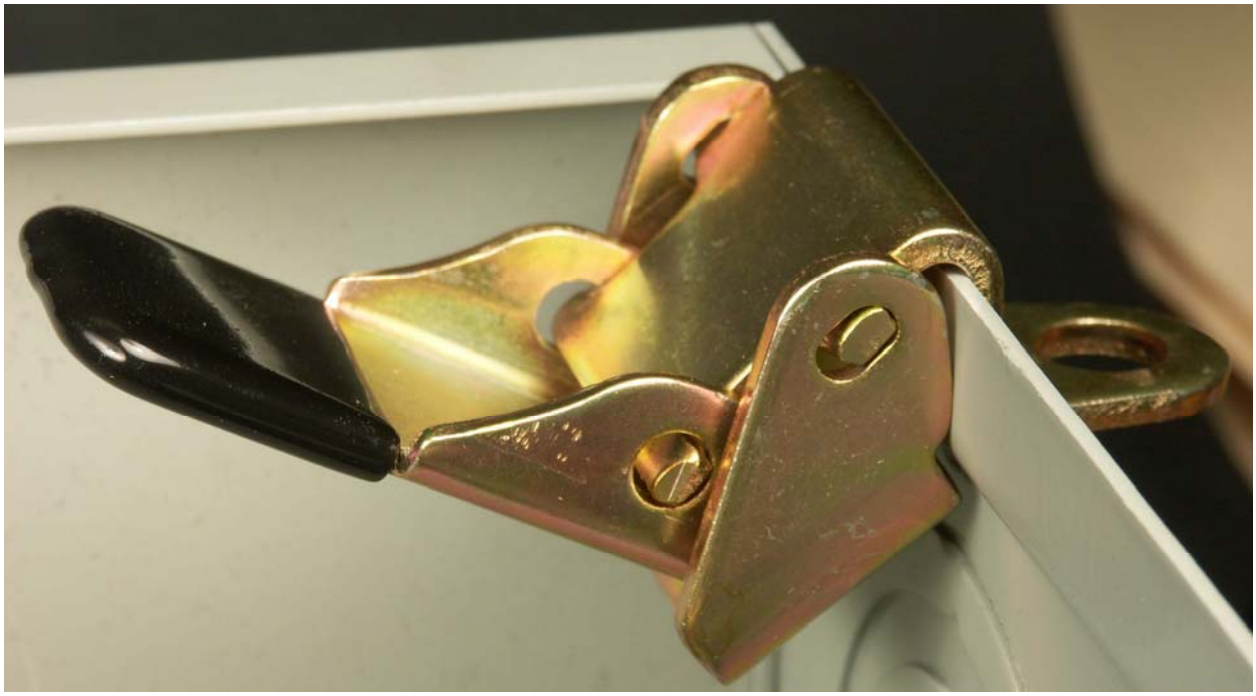


As is evident in the photograph, the front edges of the side panels of the clamping member clamp the bracket in place upon the side wall of the utility box. The front edge of the lower panel of the clamping member does not contact the utility box; rather it would be urged into abutment with the side wall of the utility box in the event that an effort were made to pry open the utility box. Because the clamping member moves outside the first and second flanges, it contacts the side wall outside the width of the first flange, thereby acting in concert with the first flange to place the side wall in sheer and bending, rather than compression.

6. The following is a true and accurate copy of a photograph of the ProLock Product 1 installed on the box manufactured by Durham Co. (Cat. No. UT-RS101B-SQD):

As is evident in the photograph, the front edges of the side panels of the clamping member clamp the bracket in place upon the side wall of the utility box. The front edge of the lower panel of the clamping member does not contact the utility box; rather it would be urged into abutment with the side wall of the utility box in the event that an effort were made to pry open the utility box. Because the clamping member moves outside the first and second flanges, it contacts the side wall outside the width of the first flange, thereby acting in concert with the first flange to place the side wall in sheer and bending, rather than compression.

7. The following is a true and accurate copy of a photograph of the ProLock Product 1 installed on the box manufactured by Durham Co. (Cat. No. T-RS502M):



As is evident in the photograph, the front edges of the side panels of the clamping member clamp the bracket in place upon the side wall of the utility box. The front edge of the lower panel of the clamping member does not contact the utility box; rather it would be urged into abutment with the side wall of the utility box in the event that an effort were made to pry open the utility box. Because the clamping member moves outside the first and second flanges, it contacts the side wall outside the width of the first flange, thereby acting in concert with the first flange to place the side wall in sheer and bending, rather than compression.

8. The following is a true and accurate copy of a photograph of the ProLock Product 1 installed on the box manufactured by Durham Co. (Cat. No. T-RS101L):

As is evident in the photograph, the front edges of the side panels of the clamping member clamp the bracket in place upon the side wall of the utility box. The front edge of the lower panel of the clamping member does not contact the utility box; rather it would be urged into abutment with the side wall of the utility box in the event that an effort were made to pry open the utility box. Because the clamping member moves outside the first and second flanges, it contacts the side wall outside the width of the first flange, thereby acting in concert with the first flange to place the side wall in sheer and bending, rather than compression.

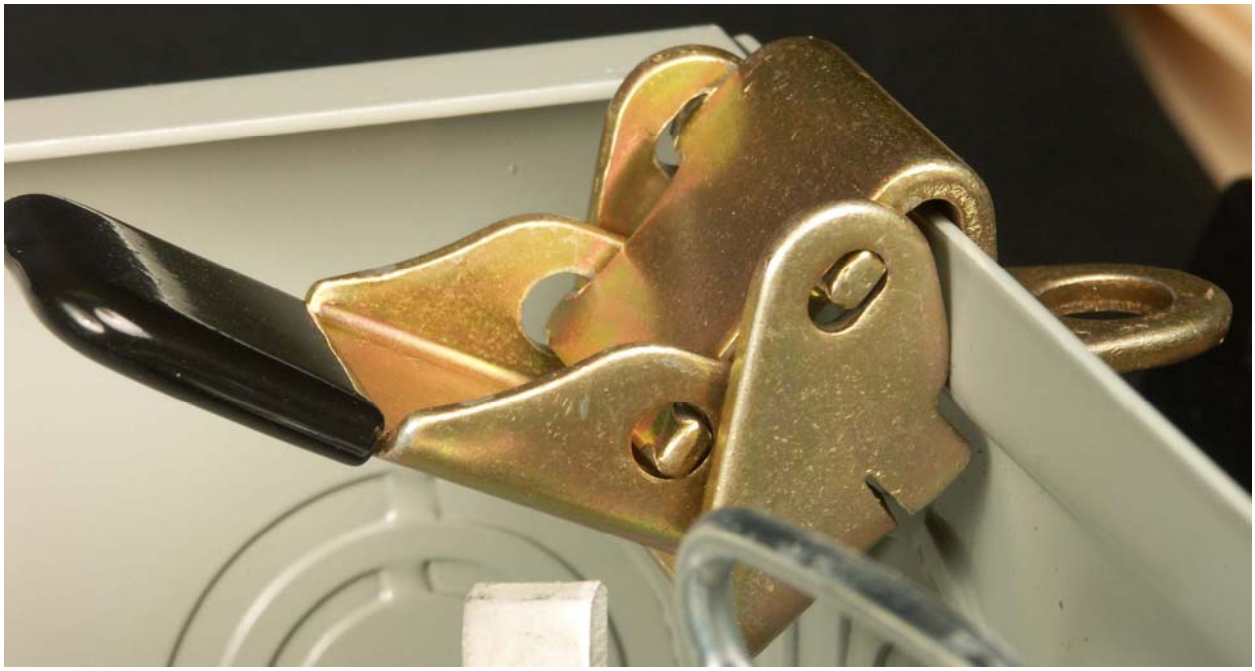
9. The following is a true and accurate copy of a photograph of the ProLock Product 2 installed on the box manufactured by Square D Model MS1005J (a Mexican market utility box) :

As is evident in the photograph, the front edges of the side panels of the clamping member clamp the bracket in place upon the side wall of the utility box. The secondary engagement tabs do not contact the utility box; rather they would be urged into abutment with the side wall of the utility box in the event that an effort were made to pry open the utility box. Because the clamping member moves outside the first and second flanges, it contacts the side wall outside the width of the first flange, thereby acting in concert with the first flange to place the side wall in sheer and bending, rather than compression.

10. The following is a true and accurate copy of a photograph of the ProLock Product 2 installed on the box manufactured by Landis & Gyr (Cat. No. UAT111-PH):

As is evident in the photograph, the front edges of the side panels of the clamping member clamp the bracket in place upon the side wall of the utility box. The secondary engagement tabs do not contact the utility box; rather they would be urged into abutment with the side wall of the utility box in the event that an effort were made to pry open the utility box. Because the clamping member moves outside the first and second flanges, it contacts the side wall outside the width of the first flange, thereby acting in concert with the first flange to place the side wall in sheer and bending, rather than compression.

11. The following is a true and accurate copy of a photograph of the ProLock Product 2 installed on the box manufactured by Cutler-Hammer (Cat. No. UHT-RS101B-CH):

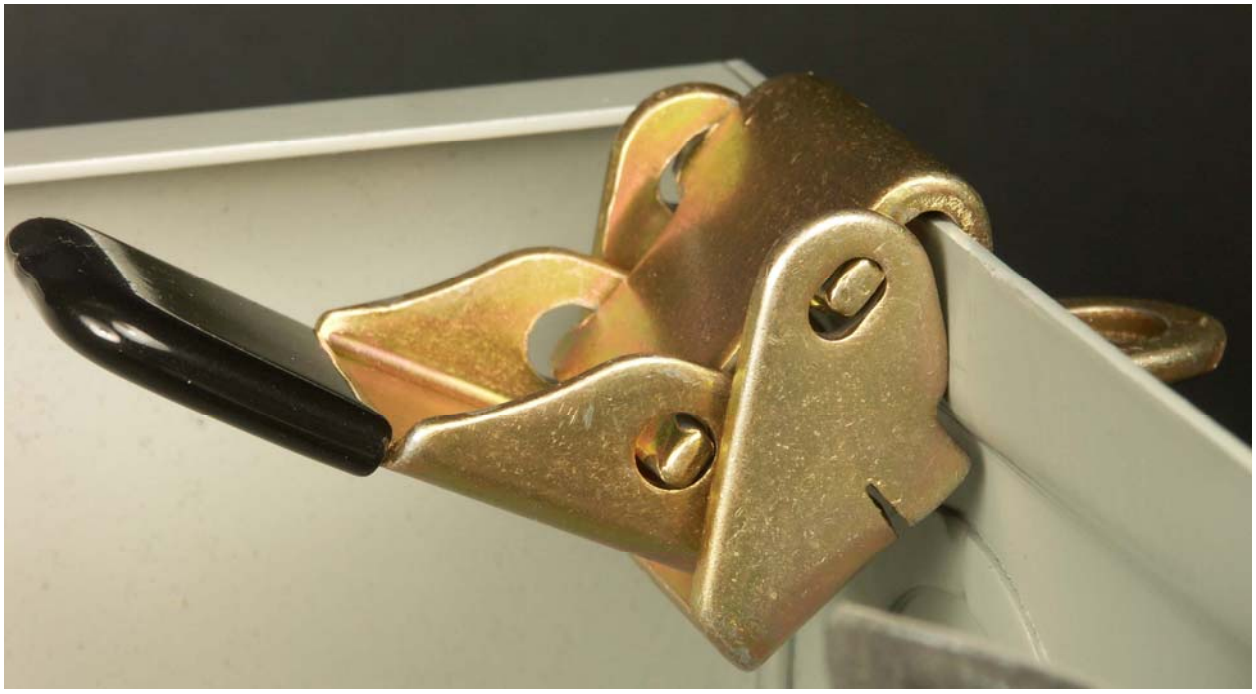


As is evident in the photograph, the front edges of the side panels of the clamping member clamp the bracket in place upon the side wall of the utility box. The secondary engagement tabs do not contact the utility box; rather they would be urged into abutment with the side wall of the utility box in the event that an effort were made to pry open the utility box. Because the clamping member moves outside the first and second flanges, it contacts the side wall outside the width of the first flange, thereby acting in concert with the first flange to place the side wall in sheer and bending, rather than compression.

12. The following is a true and accurate copy of a photograph of the ProLock Product 2 installed on the box manufactured by Durham Co. (Cat. No. UT-RS101B-SQD):

As is evident in the photograph, the front edges of the side panels of the clamping member clamp the bracket in place upon the side wall of the utility box. The secondary engagement tabs do not contact the utility box; rather they would be urged into abutment with the side wall of the utility box in the event that an effort were made to pry open the utility box. Because the clamping member moves outside the first and second flanges, it contacts the side wall outside the width of the first flange, thereby acting in concert with the first flange to place the side wall in sheer and bending, rather than compression.

13. The following is a true and accurate copy of a photograph of the ProLock Product 2 installed on the box manufactured by Durham Co. (Cat. No. T-RS502M):



As is evident in the photograph, the front edges of the side panels of the clamping member clamp the bracket in place upon the side wall of the utility box. The secondary engagement tabs do not contact the utility box; rather they would be urged into abutment with the side wall of the utility box in the event that an effort were made to pry open the utility box. Because the clamping member moves outside the first and second flanges, it contacts the side wall outside the width of the first flange, thereby acting in concert with the first flange to place the side wall in sheer and bending, rather than compression.

14. The following is a true and accurate copy of a photograph of the ProLock Product 2 installed on the box manufactured by Durham Co. (Cat. No. T-RS101L):

As is evident in the photograph, the front edges of the side panels of the clamping member clamp the bracket in place upon the side wall of the utility box. The secondary engagement tabs do not contact the utility box; rather they would be urged into abutment with the side wall of the utility box in the event that an effort were made to pry open the utility box. Because the clamping member moves outside the first and second flanges, it contacts the side wall outside the width of the first flange, thereby acting in concert with the first flange to place the side wall in sheer and bending, rather than compression.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on June 30, 2006.

_____

Binz DeWalch

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on June 30, 2006.

Binz DeWalch

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copes will be sent to those indicated as non-registered participants on the NEF.

/s/ Denise W. DeFranco

Denise W. DeFranco